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STUDIES AND DOCUMENTS ON THE WAR

the violation by Germany
of the
**Neutrality of Belgium
and Luxemburg**

by

ANDRÉ WEISS

Member of the « Institut de France »
Professor of international law in the University of Paris

Translated

by

WALTER THOMAS

Professor of English Literature in the University of Lyons

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STUDIES AND DOCUMENTS ON THE WAR

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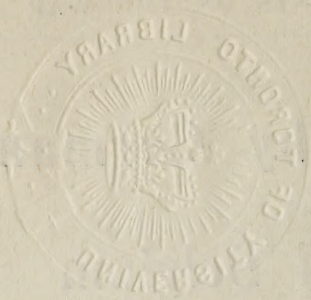


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THE VIOLATION BY GERMANY OF THE NEUTRALITY OF BELGIUM AND LUXEMBURG

I. — The Neutrality of Belgium and Luxembourg.

What perpetual neutrality means. — When war breaks out between two or more States, the powers who are not at the outset involved in the conflict are usually free to decide what attitude they will maintain during the hostilities. Following the dictates of their own interests, they declare in favour of one of the belligerents or they determine to remain *neutral*, thus promising to give no support, directly or indirectly, to the armies about to take the field. But such an abstention is not always voluntary; it is sometimes imposed by international treaties which lay upon a State, so restricted in all circumstances, except in case of being attacked, a strict obligation not to engage, in future, in any warlike enterprise, and to maintain exclusively peaceable relations with its neighbours : that is *perpetual* or *permanent neutrality*.

This neutrality, unknown in antiquity, always bears the character of a contract; inasmuch as it implies a restriction upon the sovereignty of the State that accepts or submits to it, it can only be the outcome of a treaty.

Sometimes it is sought by a weak State, which, aware that it is unable to defend its independance with its own re-

sources, renounces of its own motion the right to wage war, and places itself under the protection of powers more strongly armed, having an interest in maintaining its existence. The neutral State thus debars itself from securing any addition to its territory and harbouring any political ambition; it pays this price for security.

Sometimes neutrality is a servitude laid, in the interests of all, upon a State which, owing to its geographical situation, is so placed as to form a barrier between neighbouring powers. In this case its chief object is to secure for the world the blessings of peace and prevent, by means of an obstacle created by law, friction and rivalry between States which might feel inclined to link the weaker nation they covet to their own policy or military action; they are kept asunder by an inviolable zone, by a kind of buffer-state.

The Kingdom of Belgium and the Grand-Duchy of Luxemburg are neutral States.

The neutrality of Belgium. — In the case of Belgium this neutrality goes back to the events of 1830 : it was the corollary and the condition of her independence.

In 1815, the allied powers had been chiefly anxious to guard against the ambitious aspirations with which they credited vanquished France. The Congress of Vienna had declared the former Belgian provinces belonging to the French Empire "vacant territories"; and since these provinces were no man's land, the Congress had thought it proper to join them on to Holland, in order to form a new kingdom, the Kingdom of the Netherlands, which would, as it appeared, be powerful enough to resist the French armies in case of need. The defensive organization thus begun was completed when the allies signed, on the 15th of November, 1818, the convention with the Netherlands, called the convention of the *fortresses*, according to which a certain number of fortresses in the Netherlands were to receive English and Prussian garrisons, as soon as the *casus foederis* should be

declared against France. It was in effect going back to the system established by the *barrier treaty* of 1715, which had already granted to Holland the right to occupy with her troops some border towns belonging to Belgium, then under Austrian control, in order to protect herself in the event of a French invasion.

All these precautions were brought to nothing by the revolution of 1830. The proclamation of Belgian independence proved the frailty of the barrier raised by the Congress of Vienna. Vainly did the King of the Netherlands appeal to Europe to have it restored and to recover the integrity of his kingdom.

A conference of the five great powers (Austria, France, Great Britain, *Prussia* and Russia), held in London on the 4th of November, 1830, deemed it impossible to oppose the force of circumstances and popular feeling and to undo what had taken place.

On the 20th of December it declared the Kingdom of the Netherlands to be dissolved and authorized the provisional Government of Brussels to send delegates to London. The protocol of the same day added that "the conference would discuss and settle the new arrangements best fitted to combine the future independence of Belgium with the interests and the security of the other nations and with the European balance of power".

The arrangement thus announced, which was to guarantee the independence of Belgium, the security of the other nations and the preservation of the balance of power in Europe, culminated in the *proclamation of the perpetual neutrality* of the new state. Since the idea had to be given up of making Belgium, joined to the Netherlands, into one kingdom strong enough to defend itself, the conference had recourse to a measure previously used by Europe in 1815 to preserve Switzerland from her neighbours' influence and to close to future conquerors the routes of invasion crossing her territory.

The Fifth article of protocol of the 20th of January, 1831,

which fixed the terms of the separation of Belgium from Holland, was thus worded : “ *Belgium shall form a perpetually neutral State. The five Powers guarantee to it this perpetual neutrality, as also the inviolability of its territory.* ”

This protocol was a little later on confirmed, first by the treaty of the 26th of June, 1831, known under the name of the “treaty of the 18 articles”, next by the treaty of the following 15th of October, called the “treaty of the 24 articles”, to which the new Kingdom of Belgium adhered a month later (15th November, 1831), the 9th article of this treaty once more asserts her *perpetual neutrality*. An additional clause, a 25th article, assures to Belgium the guarantee of the courts of Austria, of France, of Great Britain, of *Prussia*, and of Russia.

All these engagements were renewed, expanded and stated with precision by the treaties of the 19th of April, 1839.

The neutrality of Luxemburg. — The Grand Duchy of Luxemburg, from the point of view of neutrality, is in a similar position to that of Belgium.

After the breaking up of the Germanic Confederation, to which the treaties of Vienna had attached it, and the failure of the negotiations with a view to its annexation to the French Empire, the British Cabinet promoted the meeting, in London, in 1867, of a conference, in order to settle the international *régime* of this small country. To this conference Italy, having become a great Power, was a party together with the five above-mentioned Powers, and Belgium herself; and the result of the labours of the conference was the treaty of the 11th of May 1867.

The treaty of London, while preserving the personal union of Luxemburg with the Netherlands, under the common sceptre of the House of Orange-Nassau, and while maintaining its customs union with the German Zollverein, made it, *at the request of Prussia herself* (1), a *perpetually neutral State*,

1. Declaration of Count Bismarck to the Diet of North Germany, in its sitting of the 27th of September 1867 : “ *In exchange for the fortress*

under the guarantee of Europe. The 2nd article of this treaty runs thus : “ *The Grand-Duchy of Luxemburg shall henceforth form a perpetually neutral State. It shall be bound to maintain this same neutrality towards all the other States. The High Contracting Parties undertake to respect the principle of neutrality stipulated in the present article. This principle is and remains placed under the collective guarantee of the Powers signing the present treaty, with the exception of Belgium, who is herself a neutral State* ”.

Such is to this day the legal status of the Grand-Duchy of Luxemburg. M. Eyschen, its premier delegate at the Conferences of the Hague, formally declared it at the sitting of the 6th of June, 1899; and note was taken of this declaration.

The neutrality of Luxemburg, like the neutrality of Belgium, is guaranteed by the Powers. The Powers, and notably Prussia, have pledged themselves, not only themselves to respect, but also to *make others respect* the neutralities thus proclaimed. Discussions may have arisen as to the extent of the duties implied in such an individual or collective guarantee, should the neutral State happen to be attacked; but no doubt has ever arisen as to the duty of the guarantors to undertake nothing against the very rights which they have promised to defend.

II. — Germany, the guarantor of the neutrality of both Belgium and Luxemburg, disregards her international engagements.

The obligation thus assumed in the face of the world and sanctioned by solemn treaties has been trampled under foot by the German Empire.

of Luxemburg, we have obtained a compensation consisting in the neutralization of the country and in a guarantee which will be maintained — so I feel convinced, despite all quibbling — on the day of the final settlement. From a military point of view this guarantee entirely compensates us for our renunciation of the right of occupation ».

Violation by Germany of the neutrality of Luxemburg (2nd August, 1914). — As early as the 2nd of August, 1914, before war had been declared against France, the soil of Luxemburg was invaded by the German troops; no previous notice or ultimatum had been addressed to the grand-ducal Government; no pretext even had been alleged to explain an aggression which the accumulation of numerous forces on the frontier for many years, as well as the construction of the camps at Elsenborn and Wasserliesch, and the arrangement of the railway lines show clearly enough to have been planned long before.

Disarmed through its fortresses having been razed in accordance with the treaty of 1867, the Grand-Duchy of Luxemburg was unable to defend itself; it could only protest(1). And these are the terms in which M. Paul Eyschen, Minister of State, President of the Government, called the Cabinets of the guaranteeing Powers to witness of the violence offered to his country :

“ I have the honour to bring to Your Excellency's notice the following facts.

“ On Sunday, 2nd August, very early, German troops, according to the information which has up to now reached the Grand-Ducal Government, penetrated into Luxemburg territory by the bridges of Wasserbillig and Remich, and proceeded especially towards the south and in the direction of Luxemburg, the capital of the Grand-Duchy.

“ A certain number of armoured trains, with troops and ammunition, have been sent along the railway line from Wasserbillig to Luxemburg, where their arrival is immediately expected.

1. “ No responsibility can be held to be incurred by the Grand-Duchy, if it does not repel an attack directed against it, since it has been left powerless to do so; what can alone be demanded, is that it should not connive with an aggressor, and that, should an aggression arise, it should denounce and protest against the same. ” E. Servais, *The Grand-Duchy of Luxemburg and the treaty of London of the 11th of May 1867*, p. 175.

“ These occurrences constitute acts which are manifestly contrary to the neutrality of the Grand Duchy, as guaranteed by the Treaty of London of 1867.

“ The Luxemburg Government have not failed to address an energetic protest against this aggression to the representatives of His Majesty the Emperor of Germany at Luxemburg.

“ An identical protest will be sent by telegraph to the Secretary of State for Foreign Affairs at Berlin. ”

Luxemburg, 2nd August 1914.

EYSCHEN,
Minister of State,
President of the Government.

A few weeks later, on the 10th of November, the Grand-Duchess of Luxemburg, on the occasion of the opening of the parliamentary session, again affirmed, in tragically simple words, the rights of her country which had been treated with contempt.

“ The neutrality of Luxemburg has been violated. I and my Government have at once protested, and informed the Powers guaranteeing the convention of London of our situation. Our rights have been treated with contempt, but will be maintained.

“ Luxemburg does not consider herself in any way released from her obligations of neutrality, and will still in future loyally fulfil them. Our protest remains in its entirety. The population have shown themselves correct and tactful with the troops that have passed through our territory. I thank them for doing so.

“ We cannot, however, be reproached with willingly failing to keep our international obligations. Till lately, Luxemburg, as an independent State, was happy and discharged all her duties both at home and abroad. She had shown herself capable and worthy of existence. She is determined to exist and she must succeed. ”

The violation of Belgian neutrality by Germany (4th August, 1914). — The plans for a sudden attack long worked out in Berlin took no more account of the neutrality of Belgium, proclaimed and preserved with jealous dignity since the kingdom was born to international life, even in 1870, when the cannons of Sedan were thundering at its frontier, than of that of Luxemburg. Still the Imperial Government thought it necessary to honour King Albert with an ultimatum, in order to give him due notice of their intentions. This historical document is dated the 2nd of August, 1914; on that same day, the German minister at Brussels had given what seemed to be formal assurances respecting Belgian neutrality(1).

GERMAN ULTIMATUM (2nd AUGUST, 1914). — The note handed in to the Foreign Office at 7 p. m. was thus worded(2): “ Reliable information has been received by the German Government to the effect that French forces intend to march on the line of the Meuse by Givet and Namur. This information leaves no doubt as to the intention of France to march through Belgian territory against Germany. The German Government cannot but fear that Belgium, in spite of the utmost good will, will be unable without assistance to repel so considerable a French invasion with sufficient prospect of success to afford an adequate guarantee against danger to Germany. *It is essential for the self-defence of Germany that she should anticipate any such hostile attack by the enemy.*”

“ The German Government would, however, feel the deepest regret if Belgium regarded as an act of hostility against herself the fact that the measures of Germany’s enemies force Germany for her own protection to enter Belgium territory. In order to exclude any possibility of misunderstanding the German Government make the following declaration :

1. *Grey Book*, 1914, No 19.

2. *Grey Book*, 1914, schedule added to No 20.

“ 1°. Germany has in view no act of hostility against Belgium. In the event of Belgium being prepared in the coming war to maintain an attitude of friendly neutrality towards Germany, the German Government bind themselves, at the conclusion of peace, to guarantee the integrity and the independence of the kingdom in full.

“ 2°. Germany undertakes, under the above-mentioned condition, to evacuate Belgian territory on the conclusion of peace.

“ 3°. If Belgium adopts a friendly attitude, Germany is prepared, in co-operation with the Belgian authorities, to purchase against a cash payment all necessities for her troops, and to pay an indemnity for any damage that may have been caused by German troops.

“ 4°. Should Belgium oppose the German troops and in particular should she throw difficulties in the way of their march by a resistance of the fortresses on the Meuse or by destroying railways, roads, tunnels or other similar works, Germany will to her regret be compelled to consider Belgium as an enemy.

“ In this event Germany could undertake no obligations towards Belgium, but the adjustment of the relations between the two States must be left to the decision of arms.

“ The German Government, however, entertain the distinct hope that such an eventuality will not occur and that the Belgian Government will know how to take necessary measures to prevent the occurrence of incidents such as those mentioned above.

“ In that case the friendly ties which bind the two neighbouring States will grow stronger and more enduring.

BELGIAN REPLY (5th AUGUST, 1914). — To this insolent and brutal demand made by one of the powers that had guaranteed her neutrality, Belgium gave, a few hours later, the following dignified reply(1) :

“ The German Government stated in their note of the 2nd of August, 1914, that, according to reliable information, French troops intended to march on the Meuse, viâ Givet and Namur, and that Belgium, in spite of the best intentions, would not be in a position to repulse, without assistance, an advance of French troops.

“ The German Government, therefore, considered themselves compelled to anticipate this attack and to violate Belgian territory. In these circumstances, Germany proposed to the Belgian Government to adopt a friendly attitude towards her and undertook on the conclusion of peace to guarantee the integrity of the Kingdom and its possessions to their full extent.

“ The note added that, if Belgium put difficulties in the way of the advance of German troops, Germany would be compelled to consider her as an enemy and to leave the ultimate adjustment of the relations between the two States to the decision of war.

“ This note has made a deep and painful impression upon the Belgian Government. *The intentions attributed to France are in contradiction to the formal declarations made to us, on the 1st of August, in the name of the French Government.*

“ Moreover, if, contrary to our expectation, Belgian neutrality should be violated by France, Belgium intends to fulfil her international obligations and the Belgian army would offer the most vigorous resistance to the invader. The treaties of 1839, confirmed by the treaties of 1870, vouch for the independence and neutrality of Belgium, under the guarantee of the Powers, and notably of the Government of His Majesty the King of Prussia.

“ Belgium has always remained faithful to her international obligations; she has carried out her duties in a spirit of loyal impartiality; and she has left nothing undone to maintain and enforce respect for her neutrality. The attack upon her independence with which the German Government

threaten her constitutes a flagrant violation of international law:

" No strategic interest justifies such a violation of law. The Belgian Government, if they were to accept the proposals submitted to them, would sacrifice the honour of the nation and betray their duty towards Europe. Conscious of the part which Belgium has played for more than eighty years in the civilisation of the world, they refuse to believe that the independence of Belgium can only be preserved at the price of the violation of her neutrality. If this hope is disappointed, the Belgian Government are firmly resolved to repel, by all the means in their power, every attack upon their rights. "

BELGIUM'S APPEAL TO THE GUARANTEEING POWERS. — In answer to the German threats the King of the Belgians placed on record the justice of his cause and prepared to defend it in arms. He further appealed to the intervention of France, of Great Britain and of Russia who, *jointly with Prussia*, had guaranteed the independence and the neutrality of his country.

The British cabinet, before they received this appeal, had already taken measures to ascertain the intentions of France and Germany as to the neutrality of Belgium. At the very beginning of the mobilization, Sir Edward Grey had wired in the same terms to Paris and to Berlin, to enquire whether the French and German Governments were respectively ready to undertake, as in 1870, to respect Belgian neutrality.

ASSURANCES GIVEN BY FRANCE. — The French reply was straightforward and clear : *" The French Government are resolved to respect the neutrality of Belgium, and it would only be in the event of some other Power violating that neutrality that France might find herself under the necessity, in order to assure the defence of her own security, to act otherwise(1) "*. And M. Klobukowski, Minister of France in Brussels, had already, in several interviews with M. Davi-

1. Telegram from Sir F. Bertie, British Ambassador in Paris, to Sir Edward Grey, of the 31st of July 1914 (*Blue Book*, 1914, No 125.)

gnon, the Foreign Secretary, spoken officially in the same terms(1).

THE GERMAN EQUIVOCATION. — Quite different was the attitude of Germany. In 1911, Herr von Bethmann-Hollweg had been requested by the Belgian Government to make a declaration in the Reichstag calculated to quiet public opinion which had been excited by the Dutch plans for the fortification of Flushing. He had declined to do so, alleging that such a declaration would weaken the military situation of Germany as against France who, reassured as to the North, would move all her forces on to her Eastern frontier(2). In July, 1914, when war was imminent, Herr von Jagow did not prove more disposed to give to England the engagement he was asked to make. Visibly embarrassed, he alleged the necessity for a consultation with the Emperor and the Chancellor; and as Sir Edward Goschen, the British

1. Letter addressed, on July 31st, 1914, by M. Davignon, Foreign Secretary, to the King's Ministers in Berlin, Paris and London: "The French Minister came to show me a telegram from the Agence Havas reporting a state of war in Germany, and said: '*I seize this opportunity to declare that no entry of French troops into Belgium will take place, even if considerable forces are massed on the frontiers of your country. France does not wish to incur the responsibility so far as Belgium is concerned of taking the first hostile step. Instructions in this sense will be given to the French authorities.*'"

"I thanked M. Klobukowski for his communication, and I felt bound to observe that we had always had the greatest confidence in the loyal observance by both our neighbouring States of their engagements towards us. *We have also every reason to believe that the attitude of the German Government will be the same as that of the Government of the French Republic.*" (*Grey Book*, 1914, No 9).

Letter addressed, on the 1st of August 1914, by M. Davignon, Foreign Secretary, to the King's Ministers in Berlin, Paris and London:

"I have the honour to inform you that the French Minister has made the following verbal communication to me: 'I am authorized to declare that in case of an international war the French Government in accordance with the declarations they have always made, will respect the neutrality of Belgium. In the event of this neutrality not being respected by another Power, the French Government, to secure their own defence, might find it necessary to modify their attitude'."

"I thanked his Excellency, and added that we on our side had taken without delay all the measures necessary to insure that our independence and our frontiers should be respected." (*Grey Book*, 1914, No 15).

2. *Grey Book*, 1914, No 12.

Ambassador in Berlin, expressed a hope that the expected declaration would not be long in reaching him, the German Secretary of State dispelled every illusion on the point by giving him to understand that any answer whatever would, in case of war, have the disadvantage of divulging part of the German plan of campaign, adding—what was false—that Belgium had already given up her neutrality by putting an embargo on a cargo of corn bound for Germany(1).

BRITISH ULTIMATUM AND ANGLO-GERMAN CONVERSATIONS. — The Foreign Office had now made up its mind; any fresh diplomatic intervention was doomed to failure; and it was with due knowledge, and with a deliberate consciousness of the duty laid upon them by their honour and their respect for their pledged word, that King George's Government, hearing of the entry of the German troops into Belgium, showed their firm resolve to place all the forces of the Empire at the service of the people so unjustly attacked. An ultimatum, demanding an immediate reply, with an assurance that Belgian neutrality would be respected by Germany, was handed in by Sir Edmond Goschen to the Imperial Foreign Office on the 4th of August(2).

Herr von Jagow had in vain endeavoured, up to the last

2. Telegram from Sir Edm. Goschen to Sir Edward Grey, of the 31st of July 1914 (*Blue Book*, 1914, No 122).

3. Telegram from Sir Edward Grey to Sir Edm. Goschen, dated 4th August, 1914 :

" We hear that Germany has addressed a note to Belgian Minister for Foreign Affairs, stating that the German Government will be compelled to carry out, if necessary, by force of arms, the measures considered indispensable.

" We are also informed that Belgian territory has been violated at Gemmenich.

" In these circumstances, and in view of the fact that Germany declined to give the same assurance respecting Belgium as France gave last week in reply to our request made simultaneously at Berlin and Paris, we must repeat that request, and ask that a satisfactory reply to it and to my telegram of this morning be received here by 12 o' clock to-night. If not, you are instructed to ask for your passports, and to say that His Majesty's Government feel bound to take all steps in their power to uphold the neutrality of Belgium and the observance of a treaty to which Germany is as much a party as ourselves. " (*Blue Book*, 1914, No 159).

moment, to disarm British vigilance by protestations as to the purity of his master's intentions. " Please dispel any mistrust that may subsist on the part of the British Government with regard to our intentions, by repeating most positively formal assurance that, *even in the case of armed conflict with Belgium*, Germany will, under no pretence whatever, annex Belgian territory. Sincerity of this declaration is borne out by fact that we solemnly pledged our word to Holland strictly to respect her neutrality. It is OBVIOUS THAT WE COULD NOT PROFITABLY ANNEX BELGIAN TERRITORY WITHOUT MAKING AT THE SAME TIME TERRITORIAL ACQUISITIONS AT EXPENSE OF HOLLAND. Please impress upon Sir E. Grey that German army could not be exposed to French attack across Belgium, which was planned according to absolutely unimpeachable information. *Germany had consequently to disregard Belgian neutrality, in being for her a question of life or death to prevent French advance.* " (1)

Sir Edm. Goschen has related, in his letter to the Foreign Office of the 8th of August, 1914, (2) the dramatic circumstances that attended the handing of the ultimatum from his Government to Germany; it is a page of history. The astonishment, the disillusionment felt by the statesmen of Berlin at the straightforward attitude of England and her respect for international engagements, are plainly expressed; words were uttered which the world has heard with amazement and which inflict eternal shame upon German honour :

" In accordance with the instructions contained in your telegram of the 4th instant I called upon the Secretary of State that afternoon and enquired, in the name of His Majesty's Government, whether the Imperial Government would refrain from violating Belgian neutrality. Herr von Jagow at once replied that he was sorry to say that his answer must be ' No ', as, in consequence of the German troops having crossed the frontier that morning, Belgian neutrality

1. *Blue Book*, 1914, No 157.

2. *Blue Book*, 1914, No 160.

had been already violated. Herr von Jagow again went into the reasons why the Imperial Government had been obliged to take this step, namely, *that they had to advance into France by the quickest and easiest way, so as to be able to get well ahead with their operations and endeavour to strike some decisive blow as early as possible. It was a matter of life and death for them, as if they had gone by the more southern route they could not have hoped, in view of the paucity of roads and the strength of the fortresses, to have got through without formidable opposition entailing great loss of time. This loss of time would have meant time gained by the Russians for bringing up their troops to the German frontier. Rapidity of action was the great German asset, while that of Russia was an inexhaustible supply of troops.* I pointed out to Herr von Jagow that this *fait accompli* of the violation of the Belgian frontier rendered, as he would readily understand, the situation exceedingly grave, and I asked him whether there was not still time to draw back and avoid possible consequences, which both he and I would deplore. He replied that, for the reasons he had given me, it was now impossible for them to draw back. . . .

“ I then said that I should like to go and see the Chancellor, as it might be, perhaps, the last time I should have an opportunity of seeing him. He begged me to do so. I found the Chancellor very agitated. His Excellency at once began an harangue, which lasted for about twenty minutes. He said that the step taken by His Majesty's Government was terrible to a degree; **JUST FOR A WORD** — ‘*neutrality*,’ a word which in war time had so often been disregarded — **JUST FOR A SCRAP OF PAPER** Great Britain was going to make war on kindred nation who desired nothing better than to be friends with her. All his efforts in that direction had been rendered useless by this last terrible step, and the policy to which, as I knew, he had devoted himself since his accession to office had tumbled down like a house of cards. What

we had done was unthinkable; it was like striking a man from behind while he was fighting for his life against two assailants. He held Great Britain responsible for all the terrible events that might happen. I protested strongly against that statement, *and said that, in the same way as he and Herr von Jagow wished me to understand that for strategic reasons it was a matter of life and death to Germany to advance through Belgium and violate the latter's neutrality, so I would wish him to understand that it was, so to speak, a matter of 'life and death' for the honour of Great Britain that she should keep her solemn engagement to do her utmost to defend Belgium's neutrality if attacked. That solemn compact simply had to be kept, or what confidence could anyone have in engagements given by Great Britain in the future?* The Chancellor said, 'But at what price will that compact have been kept. Has the British Government thought of that?' I hinted to his Excellency as plainly as I could that fear of consequences could hardly be regarded as an excuse for breaking solemn engagements, but his Excellency was so excited, so evidently overcome by the news of our action, and so little disposed to hear reason that I refrained from adding fuel to the flame by further argument."

DECLARATION OF WAR BY GREAT BRITAIN AGAINST THE GERMAN EMPIRE (4th AUGUST 1914). — Great Britain was soon to pass from words to acts. On the 5th of August, at 12.15 a. m., the following official note was published in London "Owing to the summary rejection by the German Government of the request addressed to them by His Majesty's Government, demanding an assurance that the neutrality of Belgium would be respected, His Majesty's Ambassador has received his passports and His Majesty's Government has declared to the German Government that a state of war exists between Great Britain and Germany, as from 11 p. m. on August the 4th."

THE TRIPLE ENTENTE AT WORK. — France, against whom the German Empire had, a few hours earlier, declared war

on the flimsiest and most lying pretext, and Belgium, who had been treacherously invaded, could thus reckon, in their resistance to their aggressor, on the unreserved support of England. And for many months past the allied soldiers, bound by an indissoluble brotherhood in arms, are vying in valour with one another on the Northern battle fields, opposing to the German onset the living rampart of their breasts and their determination to conquer, while on the East, on the frontier of East Prussia, of Posnania and of Silesia, can be heard the rumblings of approaching invasion.

III. -- Vain efforts and excuses of Germany to escape from universal reprobation.

The violation of Belgian neutrality by the imperial troops in defiance of the solemn promises made over the signature of William II's ancestors, has called forth on all sides indignation. The neutral States, still irresponsive to the German "Kultur," have felt themselves threatened in their own security by the contingency of a triumph of Germany, which would mean a defeat for civilization. A cry of reprobation has arisen every-where, and the cruel treatment inflicted on "the small nation with a great soul," (1) the unprovoked devastation and looting of her unarmed towns, the destruction of the wonderful monuments of her history and her faith, the deliberately ordered torture of so many harmless inhabitants, whose only crime was their trust in the sanctity of treaties, have won for the allies' cause most precious and disinterested sympathy. This cause now appeals to all as the cause of right opposed to barbarism, of the liberty and the independence of all peoples as opposed to a mad dream of universal domination.

Trusting in their own strength, relying on the success of the sudden attack they were plotting against France, the

1. M. Henri Bergson, in the Academy of Moral and Political Sciences (Sitting of August 8th, 1914).

German Government had by no means foreseen such an explosion of public opinion. In vain did they again try, after the fall of Liège, to stave the heroic resistance of the Belgians by fresh promises.

Proposals of peace to Belgium. — On the 9th of August, the Belgian Minister at The Hague received the following official document which was at once communicated to the King's Government :

“ The fortress of Liège has been stormed after a brave defence. The German Government most deeply regrets that, *in consequence of the Belgian Government's attitude towards Germany*, bloody encounters should have taken place. *Germany did not enter Belgium as an enemy.* It was only through the force of circumstances that she was obliged, owing to the military measures of France, to come to the grave determination of entering Belgium and occupying Liège as a basis for her future military operations. Now that the Belgian army, by a heroic resistance against great odds, has maintained in the most brilliant manner the honour of its arms, the German Government beg His Majesty the King and the Belgian Government to spare Belgium the further horrors of war. The German Government are ready to make any agreement with Belgium consistent with their conflict with France. Germany again renews her solemn assurance that she has not been actuated by any wish to appropriate Belgian territory, and that she harbours no such intent. Germany is still ready to evacuate Belgium, as soon as the state of war will allow (1). ”

Belgium's reply to these hypocritical protests may easily be guessed. Albert I's Government knew to their cost what German friendship and German promises were worth. A contemptuous refusal met the strange overtures from Berlin : “ The proposal made to us by the German Government repeats

1. *Grey Book*, 1914, Nos 62 and 70.

the proposal which was formulated in the ultimatum of the 2nd of August. *Faithful to her international obligations, Belgium can only reiterate her reply to that ultimatum, the more so as, since the 3rd of August, her neutrality has been violated, a distressing war has been waged on her territory, and the guarantors of her neutrality have responded loyally and without delay to her appeal*(1). ”

Though she has given up the attempt to make the noble Belgian people a resigned accomplice of her ambitious designs, Germany has not shrunk from the impossible task of trying to justify her aggression. She has endeavoured to coerce public opinion, and for that purpose she has appealed to the imagination of her writers and statesmen; she has enlisted all the subtlety of her scholars; she has mobilised her intellectual classes.

Charges against France. — Already Baron von Schoen, in the declaration of war which he handed in to the Quai d'Orsay on the 3rd of August, had claimed to lay upon France the responsibility for the infringement of the Belgian neutrality: “ *Several French military airmen,* ” stated that historical document, “ *have openly violated the neutrality of Belgium, by flying over the territory of that country*”(2). ”

This unfounded assertion M. Viviani, the Foreign Secretary of the Republic, did not fail formally to contradict (3). But had it been well founded, the alleged aerial incursions could not have constituted a violation of the neutrality of Belgium for the excellent reason that no state of war existed as yet on the 3rd of August between her neighbours. Did France see an act of hostility in the landing on our territory of a Zeppelin and several German military aeroplanes, in the course of the last few years? *In times of peace, inci-*

1. Telegram addressed, on the 12th of August 1914, by M. Davignon, Foreign Secretary, to Baron Fallon, the King's Minister at The Hague. (*Grey Book*, 1914, No 71).

1. *Yellow Book*, 1914, No 147.

2. *Yellow Book*, 1914, No 148.

dents of the kind have no importance other than what the parties concerned are disposed to give them, and diplomacy is meant to prevent their giving rise to a conflict. The Belgian Government does not appear to have made any complaint about an alleged violation of its frontiers by our airmen. We may then brush aside this mere legend, as well as that which, *according to eye-witnesses*, pretended that the town of Brussels was occupied, *as early as July*, by French regiments. The German Minister in Belgium would have conspicuously failed in the duty of his office if he had not notified to his Government an occurrence so unusual as the presence of foreign soldiers in the town where he resided. And he took good care not to father such a fabrication. Those phantom airmen and soldiers must have belonged to the same corps as the French officers *disguised as motorists*, whose crossing of neutral territory on their way to the German frontier General von Emmich mentioned, on the 4th of August(1), in his proclamation to Belgium invaded by his troops.

Thus France had not forestalled Germany in the violation of Belgian neutrality. No serious evidence of any such action can be produced against her : her enemies themselves are forced to own as much. So, to justify their deed, they prefer to take refuge in the more convenient domain of intentions; they do not hesitate to accuse the French General Staff of planning an invasion. True, on the day of the German ultimatum, the French armies had not yet crossed the Belgian frontier; but they would have felt no scruple as to crossing it, they intended to cross it, they would surely have crossed it, if they had been given time. Can it be made a grievance against Germany that she won the prize in a race

3. Proclamation of the general commander-in-chief of the army of the Meuse, von Emmich, distributed on the entering of the German troops into Belgium :

“ It is to my greatest regret that the German troops find themselves obliged to cross the frontier of Belgium. *They are acting under inevitable necessity, as the neutrality of Belgium has already been violated by French officers who, UNDER A DISGUISE, have crossed the Belgian territory in motor-cars, to enter Germany.* ”

for time, the stake of which was the very existence of the Empire? That is the only reason brought forward by the Government of Berlin, in its note addressed to Belgium, to explain the approaching occupation of its territory. It rests only on "reliable information, to the effect that French forces intend to march on the line of the Meuse, Givet and Namur. This information leaves no doubt as to the *intention* of France to march through Belgian territory against Germany" (1).

To this audacious assertion, a reply is easy. If France had prepared the attack with the criminal design of which the Imperial Government, judging her from themselves, has dared to charge her, would she, a few days before, have again pledged herself to the Cabinets of London and Brussels to remain true to the treaty which had guaranteed, under her own signature *and under the signature of the King of Prussia*, the neutrality of the Kingdom of Belgium, and would she thus have made her perjury more evident. Besides, what interest would France have had in invading and carrying the war into Belgian territory without any provocation? Her Eastern frontier was, by the admission of the Imperial Government themselves, formidably armed, bristling with impregnable fortresses, where, as has been proved by subsequent events, she might securely await the enemy's attacks and break his military power, before assuming the decisive and victorious offensive. And one need not be a shrewd strategist to brand as foolish a plan which would have consisted in forsaking the protection of our forts, to cross a country justly stirred up against us, to encounter an army whose valour was known to our military leaders, before joining battle with the German troops massed on the Rhine. Everything proves that it was in French Lorraine that our armies were preparing to meet the shock. In vain the most famous military writers of Germany had given repeated

1. *Grey Book*, 1914, schedule to No 20.

notice to France, foretelling, in their books on the future war, that Belgium would be its first theatre. In vain the concentration camps formed at the very gates of Belgium and numberless strategical railway lines had inscribed the German threat on the very soil. Relying in spite of all on the fair play of our opponents, convinced with the venerable M. Beernaert, who died just in time not to see the ruin and the devastation of his country, that "Belgium could not be invaded," (1) our military leaders had confined themselves to taking, on the northern frontier, quite stripped of fortresses, the most indispensable measures, reserving their whole effort and accumulating their best troops, for the purpose of action on the borders of Alsace. And it was the necessity of altering the original plan of our operations, and of returning hurriedly, to fly to Belgium's rescue, that explains the first failures, due to the overwhelming numerical superiority of the Germans, in the campaign in Flanders. The retreat of the French army to the Marne, crowned by the brilliant victory of General Joffre, was not caused otherwise.

Charges against Belgium and England. — The plea of French premeditation, justifying the *preventive* violation of Belgium neutrality by Germany, is thus strangely feeble. So the defenders of German "Kultur" and of German honour have tried to eke it out by throwing back upon unhappy Belgium the responsibility of the outrage to which she has been subjected.

They have pretended that an agreement, directed against

1. These are the words pronounced by the eminent Belgian statesman, on the 6th of June, 1899, in the committee of the Hague Conference, with referring to the rules of military occupation :

"As for Belgium, you know, her situation is peculiar. She is neutral, and her neutrality is guaranteed by the great Powers, and more particularly by our powerful neighbours. *We therefore cannot be invaded.*" Thus M. Beernaert still believed in the value of treaties, as my illustrious colleague, M. Louis Renault, remarked with some degree of sadness, in the yearly public meeting of the five Academies on the 26th of October, 1914.

Germany, was some years ago come to by Belgium, forgetful of the duties imposed on her by the neutrality, and by Great Britain, the guarantor of that neutrality; and they have sought for the proof of such immoral complicity in the military archives, seized and ransacked by the German General Staff, after the occupation of Brussels. They have asserted, basing themselves on documents found in these archives and reproduced in photograph by the German press, that a plan of armed co-operation had been worked out, as early as 1906, between the Belgian War Office and the British military attaché. This criminal land has, therefore, but met with the just punishment for its treachery. The devastation of its fields, the destruction of its towns, the burning of its monuments, the shooting or exile of its inhabitants will teach it to respect the treaties which it was ready to violate, and of which honest Germany, in her own despite, was forced to become the custodian and avenger.

One first objection occurs to the critic's mind. Their reason for violating the neutrality of Belgium was very loudly proclaimed by the Germans at the very moment when they committed the outrage. They then confined themselves to pleading necessity as their excuse. Far from levelling any reproach at Belgium, they admitted that international law had been violated at her expense, through the very fact that Germany even promised to indemnify the victims of her aggression.

Necessity was the true motive of German aggression. It is by this motive that she must be judged.

The significance of the documents seized *at a later date* in Brussels will be appreciated presently. But, before discussing them, we must lay down an incontrovertible principle.

It is natural, it is legitimate, for a neutral State, anxious to keep its engagements and to honour its word, to take beforehand, in time of peace, measures proper to maintain its neutrality, from whatever side it should be threatened,

stated that we would mobilize 100 000 men. After receiving this information, Colonel Barnardiston declared that *in case our neutrality were violated by Germany*, England would send into Belgium 100 000 men to defend us. He again laid stress on his enquiry as to whether we were prepared to resist a German invasion. — The General replied we were prepared to defend ourselves, *at Liège against Germany, at Namur against France, at Antwerp against England*. There were then several conversations between the head of the General Staff and the military attaché as to the measures which England would take *with a view to fulfilling the guarantee*. In considering this question, the head of the General Staff only fulfilled his most obvious duty, which was to work out in detail plans designed to enable Belgium to repel, single-handed or with the help of the guarantors, a violation of her neutrality. On the 10th of May, 1906, General Ducarne sent to the Minister of War a report of his conversations with the British military attaché. *In this report, it is twice noted that the sending of British assistance to Belgium would be conditional upon a violation of her territory*. Nay more, a marginal note of the Minister of War, which, with additional bad faith, the *North German Gazette* does not translate, so that it may escape most German readers, makes it quite certain that the entrance of the British into Belgium would take place only after the violation of our neutrality by Germany. Subsequent events have sufficiently proved how well-founded these forecasts were. These very natural conversations between the head of the General Staff and the British military attaché merely show the serious apprehensions of England as to the violation by Germany of the neutrality of Belgium. Were these apprehensions well founded? To be convinced it is enough to read the works of the Great German military writers of the day, von Bernhardi, von Schlieffenbach, von der Goltz (1). ”

1. *Le Temps* of December 9th, 1914.

After these minute and straightforward declarations, what remains of the charge of duplicity brought by Germany against her glorious victim? The Belgian Government did what it was their duty to do, in order to assure the security of their territory, which was guaranteed by solemn treaties; they never suggested or promised to assist a British offensive on the Rhine or on the North Sea. And were it necessary, we should find an incontrovertible proof of this in a letter addressed, *on the 7th of April, 1915*, by Sir Edward Grey to the British Minister in Brussels. This letter, which was not written with a view to the present controversy, and the publication of which has just been authorized by the Foreign Office, very frankly states the precise attitude which Great Britain intended to assume towards Belgium in the event of a European war :

“ In speaking to the Belgian Minister to-day I said, speaking unofficially, that it had been brought to my knowledge that there was apprehension in Belgium lest we should be the first to violate Belgian neutrality. I did not think that this apprehension could have come from a British source.

“ The Belgian Minister informed me that there had been talk, in a British source which he could not name, of the landing of troops in Belgium by Great Britain, in order to anticipate a possible dispatch of German troops through Belgium to France.

“ *I said that I was sure that this Government would not be the first to violate the neutrality of Belgium, and I did not believe that any British Government would be the first to do so, nor would public opinion here ever approve of it. What we had to consider, and it was a somewhat embarrassing question, was what it would be desirable and necessary for us, as one of the guarantors of Belgian neutrality, to do if Belgian neutrality was violated by any Power.*

For us to be the first to violate it and to send troops into Belgium would be to give Germany, for instance, justification for sending troops into Belgium also. *What we desi-*

red in the case of Belgium, as in that of other neutral countries, was that their neutrality should be respected, and as long as it was not violated by any other Power we should certainly not send troops ourselves into their territory.

I am, &c.,
E. GREY. " (1]

Feeling the ground giving way under him, Herr von Bethmann-Hollweg tried to prove that the British Government was inconsistent. If the love for threatened neutralities, professed by England, were sincere, would she not have undertaken the defence of the neutrality of China, scandalously violated by her Japanese ally at Kiao-Tcheou? Would she not have reminded the Empire of the Rising Sun that Kiao-Tcheou, *occupied by Germany*, is still, legally, Chinese territory, and that China up to now has remained outside the European war? (2)

Such an argument condemns the cause it would serve. Every one knows under what conditions and by what means Germany settled at Kiao-Tcheou. Respect for Chinese independence and Chinese neutrality seem to have been, in this enterprise, the least of her cares. What she conquered through violence, violence takes from her. And the European spectators of this fair requital should be indignant, and should confirm and sanction her usurpation, and should do so in the very name of the State she has robbed! The neutrality of that State should be a shield for her hypocritical conquest! And England ought to safeguard that neutrality against her own allies! That is the contention of the Imperial Chancellor; and from such premises he argues that the British Government had no right to come forward as the champion of Belgian neutrality!

Perhaps German scholars will rest satisfied with a reason-

1. *Le Temps* of December 9th, 1914.

2. Speech of the Chancellor in the Reichstag, in the sitting of December the 2nd, 1914.

ing which we look upon as setting mere common sense at defiance. It does not appear however that those who applauded the Chancellor's words asked him to inform them of the date and terms of the treaty, in which Great Britain guaranteed the neutrality of China and of those of her territories which were in foreign occupation. Such an indiscreet question was not put; and it could not be put without knocking to pieces the childish special pleading put forward in the Reichstag. It is not necessary for the British Empire to parade as the champion of imperilled neutralities in every country of the globe for the benefit of her German enemies; it is enough for her to protect those whom she has promised to protect, and whom she has pledged her honour to defend.

Thus, the explanation of the woes that have descended upon Belgium cannot be found in the disloyal machinations of England or in a sinister conspiracy between England and that noble country.

But it would show slight acquaintance with German science to suppose that it can be at a loss when called upon to praise or excuse the excesses and the outrages of the armies whose mission it is to spread outside Germany the blessings of "Kultur."

Belgium's resistance to the Divine Will. — Belgium, in resisting the invasion, has sinned against God; she has forgotten that the German people are the elect people, the royal people, and that it is disregarding the will of Jehovah, who has become the Emperor's ally, the "German God," to stand in the way of the necessary expansion of that people, of the setting up of their dominion over the rest of the world. By declining to grant the German forces a passage over her territory, she has called down on herself the wrath of Heaven, she has deserved the fate of the Amorites who also opposed the march of the Israelites through their country towards the Promised Land, and whom the Lord smote justly and severely: "Israel sent messengers unto Sihon, King of the Amorites, the King of Heshbon; and Israel said

unto him : Let us pass, we pray thee, through thy land into my place. But Sihon trusted not Israel to pass through his coast : but Sihon gathered all his people together, and pitched in Jahaz, and fought against Israel. And the Lord God of Israel delivered Sihon and all his people into the hand of Israel, and they smote them : so Israel possessed all the land of the Amorites, the inhabitants of that country. And they possessed all the coasts of the Amorites, from Arnon even unto Jabbok, and from the wilderness even unto Jordan. So now the Lord God of Israel hath dispossessed the Amorites from before his people Israel. " (1)

Is not the analogy discovered by the Germans religious papers striking? (2) It would be still more so, had the people of Israel previously taken a solemn engagement to guarantee or at the very least to respect the Amorites' neutrality, which it had violated. But Scripture says nothing of the kind, nor does it anywhere announce any providential mission of Germany.

The German conception of neutrality. — German jurists agree with the theologians in condemning the courageous attitude of Belgium and her king. One of them expounds in the *Vossischer Zeitung*, that the Belgian people, in rising to repel the invader, has gravely infringed the duties prescribed by neutrality, and has thus set itself outside international law :

According to this strange interpretation of international law, the rights and obligations of neutrals are summed up in two principles : the inviolability of their territory, of course ; but especially the duty not to meddle in any conflict at their doors. These two principles are not equally authoritative. The inviolability of neutral territory is by no

1. *Judges*, ch. XI, v. 19, 23. — See also *Numbers*, ch. XX, v. 14, 21.

2. See the interesting communication by M. Jacques Flach to the Academy of Moral and Political Sciences, at its meeting of the 5th of December, 1914.

means absolute. A citizen's domicile is also inviolable; but obviously the owner of a house cannot prevent his house being entered to search for a malefactor, or to stop an outbreak of fire. So too, a neutral State ought not to have recourse to armed force to prevent a belligerent from crossing its borders for political or military purposes. The military power at the neutral State's disposal may only be used for the maintenance of order at home, or to prevent a definitive conquest. It is acting against international law to have recourse to military power in the case of a mere passage through its territory (1).

Does such a monstrous theory stand in need of refutation? Its logical result would be to suppress the independence and the sovereignty of the smaller States, and to place them at the mercy of their powerful neighbours by taking from them all means of defending themselves against a seizure for public purposes, to be decided without appeal by the invader who is to benefit by the act. Resistance to aggression becomes a criminal act liable to the severest punishment. Might creates right.

Such was not the teaching of the masters of international law who were the pride of Germany in former days. They set up no subtle degrees and distinctions in the prerogatives and the duties of neutrality; they did not water down the inviolability of neutral territory; they did not condemn a neutral State to remain an impotent witness of the violent occupation of its territory; on the contrary, they held it to be strictly bound to fight to the bitter end to preserve itself from all foreign contamination.

Let us hear the famous professor of international law in Heidelberg University, Bluntschli: "The neutral State cannot permit belligerents to use its territory in order to obtain the objects with a view to which they wage war. Therefore a

1. *Le Temps* of the 8th November, 1914. — See also M. Welschinger's admirable lecture on *The Neutrality of Belgium*, in the *Journal des Débats* of the 27th of November, 1914.

passage across the neutral territory must be denied to belligerents. — *The neutral State is bound to take the necessary measures to have its neutrality respected by other parties. For this purpose, it may, if need be, have recourse to arms.* — Belligerents are bound to respect absolutely the territory of neutral States. *They must abstain from any infringement of that territory, whatever circumstances and whatever strategic interests may be involved.* — The fact of defending in arms a neutral territory, or repelling an attack does not abrogate the neutrality; it confirms it. " (1)

Heffter, a Berlin professor, whose *International Law of Europe* still enjoys, even outside Germany, high authority, is no less clear on the subject. " Every nation has an uncontroverted right to defend in arms the neutrality it has proclaimed, and to repel by force every attempt calculated to infringe it. Neutrality carries with it certain obligations, certain duties, which the nations must fulfil if they wish to enjoy its benefits. *These duties are chiefly : Intervention against any act of hostility attempted by one of the belligerents against the other on the neutral territory, etc. . . .* " (2)

As the most illustrious representatives of German science agree, neutrality must therefore be armed, in order to be efficient and active. Did not the German Emperor but lately congratulate the Swiss people on the valour and endurance of its troops, as against the fancied danger that might come to it from the West?

The right of legitimate self-defence belonging to neutral States has also been proclaimed by the conferences at The Hague, in an unequivocal formula, to which the official delegates of Germany, diplomatists, jurisconsults, and military men, had unreservedly adhered.

1. *Le droit international codifié*, transl. by M. Lardy, §§ 769, 770, 784, 790.

2. *Le Droit international de l'Europe*, revised and annotated by H. Geffcken, Nos 145 and 146.

Fifth Convention of the 18th of October, 1907.

1st Article : " The territory of neutral Powers is inviolable. "

Article 2 : " Belligerents are forbidden to move troops or convoys whether of munitions of war or of supplies across the territory of a neutral Power ".

Article 10 : " The fact of a neutral Power's resisting, *even by force*, attempts to violate its neutrality cannot be regarded as a hostile act. "

The plea of necessity. — But the Imperial Chancellor has declared that *treaties are scraps of paper*. Herr von Bethman-Hollweg, " the most eminent of men now living, " (2) thinks he can dispense with the arguments and the legal sophistries with which the scholars of Germany have endeavoured, *after the event*, to justify the inexpiable crime which the Imperial Government has committed against international law, by disowning its signature. He admits and avows the crime, and declares it a necessity; he counts on success to absolve it.

The conscience of the civilised world has received with sorrow the loud declarations made in the Reichstag, in the historical sitting of the 4th of August, 1914, by the man who still represents before the nations the good faith and the honour of the German people :

" Gentlemen, we are *compelled* to defend ourselves, and NECESSITY KNOWS NO LAW. Our troops have occupied Luxemburg, perhaps they have already entered Belgian territory. THAT IS CONTRARY TO THE PRESCRIPTIONS OF INTERNATIONAL LAW. It is true that the French Government has declared in Brussels that it would respect the neutrality of Belgium so long as the enemy should respect it. But we

1. Letter by Professor Lasson, of the 29th of September, 1914

know that France was prepared to attack us. *France could wait, but we could not.* A French attack on our flank, on the Lower Rhine, might have proved fatal to us. So we were bound to disregard the JUSTIFIED protests of the Government of Luxemburg and of the Belgian Government. THE ILLEGALITY, *that we are thus committing, we will try to make up for, as soon as our military object is attained. When one is as threatened as we are, and when one is fighting for a supreme good, ONE MANAGES AS BEST ONE CAN.* ”

We shall add nothing to this official utterance. For the Germany of to-day, *the end justifies the means*, the most sacred international engagements give way to military necessities. When making this pronouncement, did the Chancellor reflect that he was countersigning his people's dishonour and passing sentence upon his policy? The neutral countries know now what the victory of the imperial arms would cost them if such a victory were possible. The independence of the whole of Europe is imperilled. Her liberties, her civilization would not survive the triumph of force in the service of an unscrupulous diplomacy, for which *treaties are scraps of paper.* Our confidence is unshaken. *Right is still sovereign on earth.*

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PARIS

IMPRIMERIE GÉNÉRALE LAHURE

9, rue de Fleurus, 9

